

***-0404/4.62* SECTION 1003.** 48.685 (5) (a) of the statutes is amended to read:

48.685 (5) (a) The department of health and family services may license to operate an entity, the department of workforce development may license to operate a day care center, a county department may certify under s. 48.651 49.156, a county department or a child welfare agency may license under s. 48.62, and a school board may contract with under s. 120.13 (14) a person who otherwise may not be licensed, certified, or contracted with for a reason specified in sub. (4m) (a) 1. to 5., and an entity may employ, contract with, or permit to reside at the entity a person who otherwise may not be employed, contracted with, or permitted to reside at the entity for a reason specified in sub. (4m) (b) 1. to 5., if the person demonstrates to the department of health and family services, the department of workforce development, the county department, the child welfare agency, or the school board or, in the case of an entity that is located within the boundaries of a reservation, to the person or body designated by the tribe under sub. (5d) (a) 3., by clear and convincing evidence and in accordance with procedures established by the department by rule or by the tribe that he or she has been rehabilitated.

***-0404/4.63* SECTION 1004.** 48.685 (5c) (a) of the statutes is amended to read:

48.685 (5c) (a) Any person who is permitted but fails under sub. (5) (a) to demonstrate to the department of health and family services or a child welfare agency that he or she has been rehabilitated may appeal to the secretary of health and family services or his or her designee. Any person who is adversely affected by a decision of the secretary or his or her designee under this paragraph has a right to a contested case hearing under ch. 227.

***-0404/4.64* SECTION 1005.** 48.685 (5c) (am) of the statutes is created to read:

1 48.685 (5c) (am) Any person who is permitted but fails under sub. (5) (a) to
2 demonstrate to the department of workforce development that he or she has been
3 rehabilitated may appeal to the secretary of workforce development or his or her
4 designee. Any person who is adversely affected by a decision of the secretary or his
5 or her designee under this paragraph has a right to a contested case hearing under
6 ch. 227.

7 *~~0404/4.65~~* SECTION 1006. 48.685 (5m) of the statutes is amended to read:

8 48.685 (5m) Notwithstanding s. 111.335, the department of health and family
9 services may refuse to license a person to operate an entity, a county department or
10 a child welfare agency may refuse to license a foster home or treatment foster home
11 under s. 48.62, and an entity may refuse to employ or contract with a caregiver or
12 permit a nonclient resident to reside at the entity if the person has been convicted
13 of an offense that is not a serious crime, but that is, in the estimation of the
14 department of health and family services, county department, child welfare agency,
15 or entity, substantially related to the care of a client. Notwithstanding s. 111.335,
16 the department of workforce development may refuse to license a person to operate
17 a day care center, a county department may refuse to certify a day care provider
18 under s. ~~48.651~~ 49.156, a school board may refuse to contract with a person under
19 s. 120.13 (14), a day care center that is licensed under s. ~~48.65~~ 49.98 or established
20 or contracted for under s. 120.13 (14) and a day care provider that is certified under
21 s. ~~48.651~~ 49.156 may refuse to employ or contract with a caregiver or permit a
22 nonclient resident to reside at the day care center or day care provider if the person
23 has been convicted of or adjudicated delinquent on or after his or her 12th birthday
24 for an offense that is not a serious crime, but that is, in the estimation of the

1 department of workforce development, county department, school board, day care
2 center, or day care provider, substantially related to the care of a client.

3 ***-0404/4.66* SECTION 1007.** 48.685 (6) (a) of the statutes is amended to read:

4 48.685 (6) (a) The department of health and family services shall require any
5 person who applies for issuance, continuation, or renewal of a license to operate an
6 entity, the department of workforce development shall require any person who
7 applies for issuance or continuation of a license to operate a day care center, a county
8 department shall require any day care provider who applies for initial certification
9 under s. ~~48.651~~ 49.156 or for renewal of that certification, a county department or
10 a child welfare agency shall require any person who applies for issuance or renewal
11 of a license to operate a foster home or treatment foster home under s. 48.62, and a
12 school board shall require any person who proposes to contract with the school board
13 under s. 120.13 (14) or to renew a contract under that subsection, to complete a
14 background information form that is provided by the department.

15 ***-0404/4.67* SECTION 1008.** 48.685 (6) (b) 1. of the statutes is amended to read:

16 48.685 (6) (b) 1. For caregivers who are licensed by the department, ~~for persons~~
17 ~~under 18 years of age, but not under 12 years of age, who are caregivers of a day care~~
18 ~~center that is licensed under s. 48.65 or established or contracted for under s. 120.13~~
19 ~~(14) or of a day care provider that is certified under s. 48.651~~ of health and family
20 services, for persons who are nonclient residents of an entity that is licensed by the
21 department of health and family services, and for other persons specified by the
22 department of health and family services by rule, the entity shall send the
23 background information form to the department of health and family services.

24 ***-0404/4.68* SECTION 1009.** 48.685 (6) (b) 1m. of the statutes is created to read:

1 48.685 (6) (b) 1m. For caregivers who are licensed by the department of
2 workforce development, for persons under 18 years of age, but not under 12 years of
3 age, who are caregivers of a day care center that is licensed under s. 49.98 or
4 established or contracted for under s. 120.13 (14) or of a day care provider that is
5 certified under s. 49.156, for persons who are nonclient residents of an entity that is
6 licensed by the department of workforce development, and for other persons
7 specified by the department of workforce development by rule, the entity shall send
8 the background information form to the department of workforce development.

9 *~~0404/4.69~~* SECTION 1010. 48.685 (8) of the statutes is amended to read:

10 48.685 (8) The department of health and family services, the department of
11 workforce development, a county department, a child welfare agency, or a school
12 board may charge a fee for obtaining the information required under sub. (2) (am)
13 or (3) (a) or for providing information to an entity to enable the entity to comply with
14 sub. (2) (b) 1. or (3) (b). The fee may not exceed the reasonable cost of obtaining the
15 information. No fee may be charged to a nurse's assistant, as defined in s. 146.40 (1)
16 (d), for obtaining or maintaining information if to do so would be inconsistent with
17 federal law.

18 *~~0404/4.70~~* SECTION 1011. 48.69 of the statutes is amended to read:

19 **48.69 Probationary licenses.** Except as provided under s. 48.715 (6) and (7),
20 if any child welfare agency, shelter care facility, or group home ~~or day care center~~ that
21 has not been previously issued a license under s. 48.66 (1) (a) applies for a license,
22 meets the minimum requirements for a license established under s. 48.67, and pays
23 the applicable fee referred to in s. 48.68 (1), the department shall issue a
24 probationary license to that child welfare agency, shelter care facility, or group home
25 ~~or day care center~~. A probationary license is valid for up to 6 months after the date

1 of issuance unless renewed under this section or suspended or revoked under s.
2 48.715. Before a probationary license expires, the department shall inspect the child
3 welfare agency, shelter care facility, or group home ~~or day care center~~ holding the
4 probationary license and, except as provided under s. 48.715 (6) and (7), if the child
5 welfare agency, shelter care facility, or group home ~~or day care center~~ meets the
6 minimum requirements for a license established under s. 48.67, the department
7 shall issue a license under s. 48.66 (1) (a). A probationary license issued under this
8 section may be renewed for one 6-month period.

9 ***-0404/4.71* SECTION 1012.** 48.715 (1) of the statutes is amended to read:

10 48.715 (1) In this section, "licensee" means a person who holds a license under
11 s. 48.66 (1) (a) or a probationary license under s. 48.69 to operate a child welfare
12 agency, shelter care facility, or group home ~~or day care center~~.

13 ***-0404/4.72* SECTION 1013.** 48.715 (2) (a) of the statutes is amended to read:

14 48.715 (2) (a) That a person stop operating a child welfare agency, shelter care
15 facility, or group home ~~or day care center~~ if the child welfare agency, shelter care
16 facility, or group home ~~or day care center~~ is without a license in violation of s. 48.66
17 (1) (a) or a probationary license in violation of s. 48.69.

18 ***-0404/4.73* SECTION 1014.** 48.715 (4) (c) of the statutes is amended to read:

19 48.715 (4) (c) The licensee or a person under the supervision of the licensee has
20 committed an action or has created a condition relating to the operation or
21 maintenance of the child welfare agency, shelter care facility, or group home ~~or day~~
22 ~~care center~~ that directly threatens the health, safety, or welfare of any child under
23 the care of the licensee.

24 ***-0404/4.74* SECTION 1015.** 48.715 (6) of the statutes is amended to read:

1 48.715 (6) The department of health and family services shall deny, suspend,
2 restrict, refuse to renew, or otherwise withhold a license under s. 48.66 (1) (a) or a
3 probationary license under s. 48.69 to operate a child welfare agency, group home,
4 or shelter care facility ~~or day care center~~, and the department of corrections shall
5 deny, suspend, restrict, refuse to renew, or otherwise withhold a license under s.
6 48.66 (1) (b) to operate a secured child caring institution, for failure of the applicant
7 or licensee to pay court-ordered payments of child or family support, maintenance,
8 birth expenses, medical expenses, or other expenses related to the support of a child
9 or former spouse or for failure of the applicant or licensee to comply, after appropriate
10 notice, with a subpoena or warrant issued by the department of workforce
11 development or a county child support agency under s. 59.53 (5) and related to
12 paternity or child support proceedings, as provided in a memorandum of
13 understanding entered into under s. 49.857. Notwithstanding s. 48.72, an action
14 taken under this subsection is subject to review only as provided in the memorandum
15 of understanding entered into under s. 49.857 and not as provided in s. 48.72.

16 *-0404/4.75* SECTION 1016. 48.715 (7) of the statutes is amended to read:

17 48.715 (7) The department of health and family services shall deny an
18 application for the issuance or continuation of a license under s. 48.66 (1) (a) or a
19 probationary license under s. 48.69 to operate a child welfare agency, group home,
20 or shelter care facility ~~or day care center~~, or revoke such a license already issued, if
21 the department of revenue certifies under s. 73.0301 that the applicant or licensee
22 is liable for delinquent taxes. An action taken under this subsection is subject to
23 review only as provided under s. 73.0301 (5) and not as provided in s. 48.72.

24 *-0404/4.76* SECTION 1017. 48.73 of the statutes is amended to read:

520.477, 48.735 (YND)
1 **48.73 Inspection of licensees.** The department may visit and inspect each
2 child welfare agency, foster home, treatment foster home, and group home and day
3 ~~care center~~ licensed by it the department, and for such purpose shall be given
4 unrestricted access to the premises described in the license.

5 ***-0404/4.77* SECTION 1018.** 48.735 of the statutes is renumbered 49.998 (1)
6 and amended to read:

7 49.998 (1) **Immunization requirements; day care centers.** ^{CS} The If the
8 department of health and family services finds that there has been a substantial
9 failure by a day care center to comply with the requirements of s. 252.04, that
10 department shall notify the department of workforce development, and the
11 department of workforce development, after notice to ~~a~~ the day care center licensee,
12 may suspend, revoke, or refuse to continue ~~a~~ the licensee's day care center license
13 in any case in which the department finds that there has been a substantial failure
14 to comply with the requirements of s. 252.04.

15 ***-0404/4.78* SECTION 1019.** 48.737 of the statutes is renumbered 49.998 (2)
16 and amended to read:

17 49.998 (2) **Lead screening, inspection and reduction requirements; day**
18 **care centers.** ^{CS} The If the department of health and family services finds that there
19 has been a substantial failure by a day care center that holds a license under s. 49.98
20 or a probationary license under s. 49.99 or by a day care provider certified under s.
21 49.156 to comply with any rule promulgated under s. 254.162, 254.168, or 254.172,
22 that department shall notify the department of workforce development, and the
23 department of workforce development, after notice to ~~a day care provider certified~~
24 ~~under s. 48.651, or a~~ the day care center that holds ~~a license under s. 48.65 or a~~
25 ~~probationary license under s. 48.69 or day care provider~~, may suspend, revoke, or

1 refuse to renew or continue ~~a~~ the license or certification in any case in which the
2 department finds that there has been a substantial failure to comply with any rule
3 promulgated under s. ~~254.162, 254.168 or 254.172~~ of the day care center or day care
4 provider.

5 *-0404/4.79* SECTION 1020. 48.74 of the statutes is amended to read:

6 **48.74 Authority of department to investigate alleged violations.**

7 Whenever the department is advised or has reason to believe that any person is
8 violating ~~any of the provisions of ss. s. 48.60, 48.62, or 48.625 or 48.65, it, the~~
9 department shall make an investigation to determine the facts. For the purposes of
10 this investigation, ~~it the department~~ shall have authority to inspect the premises
11 where the violation is alleged to occur. ~~If it the department~~ finds that the person is
12 violating any of ~~the specified those~~ sections, ~~it the department~~ may either issue a
13 license if the person is qualified or may institute a prosecution under s. 48.76.

14 *-0404/4.80* SECTION 1021. 48.76 of the statutes is amended to read:

15 **48.76 Penalties.** In addition to the sanctions and penalties provided in s.
16 48.715, any person who violates s. 48.60, 48.62, 48.625, or 48.63 ~~or 48.65~~ may be fined
17 not more than \$500 or imprisoned for not more than one year in county jail or both.

18 *-0404/4.81* SECTION 1022. 48.77 of the statutes is amended to read:

19 **48.77 Injunction against violations.** In addition to the penalties provided
20 in s. 48.76, the circuit courts shall have jurisdiction to prevent and restrain by
21 injunction violations of s. 48.60, 48.62, 48.625, or 48.63 ~~or 48.65~~. It shall be the duty
22 of the district attorneys, upon request of the department, to institute action for such
23 injunction under ch. 813.

24 *-0296/2.1* SECTION 1023. 48.78 (2) (h) of the statutes is created to read:

1 48.78 (2) (h) Paragraph (a) does not prohibit the department, a county
2 department, or a licensed child welfare agency from entering the content of any
3 record kept or information received about an individual in its care or legal custody
4 into the statewide automated child welfare information system established under s.
5 46.03 (7) (g). Paragraph (a) also does not prohibit a county department under s.
6 46.215, 46.22, 46.23, 51.42, or 51.437, the department of health and family services,
7 the department of corrections, or any other organization that has entered into an
8 information sharing and access agreement with one of those county departments or
9 departments and that has been approved for access to the statewide automated child
10 welfare information system by the department of health and family services from
11 having access to information concerning a client of that county department,
12 department, or organization under this chapter or ch. 51 or 938 that is maintained
13 in the statewide automated child welfare information system, if necessary to enable
14 the county department, department, or organization to perform its duties under this
15 chapter or ch. 51 or 938 or to coordinate the delivery of services under this chapter
16 or ch. 51 or 938 to the client. Before entering any information about an individual
17 into the statewide automated child welfare information system, the department,
18 county department, or licensed child welfare agency entering the information shall
19 notify the individual that the information entered may be disclosed as provided in
20 this paragraph.

21 *~~0084/3.36~~ **SECTION 1024.** 48.975 (3) (a) 1. of the statutes is amended to read:

22 48.975 (3) (a) 1. Except as provided in subd. 3., for support of a child who was
23 in foster care ~~or, treatment foster care, or subsidized guardianship care~~ immediately
24 prior to placement for adoption, the initial amount of adoption assistance for
25 maintenance shall be equivalent to the amount of that child's foster care ~~or,~~

1 treatment foster care, or subsidized guardianship care payment at the time that the
2 agreement under sub. (4) (a) is signed or a lesser amount if agreed to by the proposed
3 adoptive parents and specified in that agreement.

4 ***-0084/3.37* SECTION 1025.** 48.975 (3) (a) 2. of the statutes is amended to read:

5 48.975 (3) (a) 2. Except as provided in subd. 3., for support of a child not in foster
6 care ~~or~~, treatment foster care, or subsidized guardianship care immediately prior to
7 placement for adoption, the initial amount of adoption assistance for maintenance
8 shall be equivalent to the uniform foster care rate in effect at the time that the
9 agreement under sub. (4) (a) is signed or a lesser amount if agreed to by the proposed
10 adoptive parents and specified in that agreement.

11 ***-0084/3.38* SECTION 1026.** 48.975 (4) (a) of the statutes is amended to read:

12 48.975 (4) (a) Except in extenuating circumstances, as defined by the
13 department by rule promulgated under sub. (5) (a), a written agreement to provide
14 adoption assistance shall be made prior to adoption. An agreement to provide
15 adoption assistance may be made only for a child who, at the time of placement for
16 adoption, is in the guardianship of the department or other agency authorized to
17 place children for adoption ~~or~~, in the guardianship of an American Indian tribal
18 agency in this state, or in a subsidized guardianship under s. 48.62 (5).

19 ***-0265/3.7* SECTION 1027.** 48.975 (4m) of the statutes is created to read:

20 48.975 (4m) RECOVERY OF INCORRECT PAYMENTS. The department may recover
21 an overpayment of adoption assistance from an adoptive parent who continues to
22 receive adoption assistance for maintenance by reducing the amount of the adoptive
23 parent's monthly payment of adoption assistance for maintenance. The department
24 may by rule specify other methods for recovering overpayments of adoption
25 assistance.

1 *–0084/3.39* SECTION 1028. 48.977 (title) of the statutes is amended to read:
2 48.977 (title) **Appointment of relatives as guardians for certain**
3 **children in need of protection or services.**

4 *–0084/3.40* SECTION 1029. 48.977 (1) of the statutes is repealed.

5 *–0084/3.41* SECTION 1030. 48.977 (2) (intro.) of the statutes is amended to
6 read:

7 48.977 (2) TYPE OF GUARDIANSHIP. (intro.) This section may be used for the
8 appointment of a ~~relative of a child as a~~ guardian of the person for ~~the~~ a child if the
9 court finds all of the following:

10 *–0084/3.42* SECTION 1031. 48.977 (2) (a) of the statutes is amended to read:

11 48.977 (2) (a) That the child has been adjudged to be in need of protection or
12 services under s. 48.13 (1), (2), (3), (3m), (4), (5), (8), (9), (10), (10m), (11), or (11m) or
13 938.13 (4) and been placed, or continued in a placement, outside of his or her home
14 pursuant to one or more court orders under s. 48.345, 48.357, 48.363, 48.365,
15 938.345, 938.357, 938.363, or 938.365 ~~for a cumulative total period of one year or~~
16 ~~longer or that the child has been so adjudged and placement of the child in the home~~
17 ~~of a guardian under this section has been recommended under s. 48.33 (1) or 938.33~~
18 (1).

19 *–0084/3.43* SECTION 1032. 48.977 (2) (b) of the statutes is amended to read:

20 48.977 (2) (b) That the person nominated as the guardian of the child is a
21 ~~relative of the child~~ person with whom the child has been placed or in whose home
22 placement of the child is recommended under par. (a) and that it is likely that the
23 child will continue to be placed with that ~~relative~~ person for an extended period of
24 time or until the child attains the age of 18 years.

25 *–0084/3.44* SECTION 1033. 48.977 (2) (c) of the statutes is amended to read:

1 48.977 (2) (c) That, if appointed, it is likely that the ~~relative person~~ would be
2 willing and able to serve as the child's guardian for an extended period of time or until
3 the child attains the age of 18 years.

4 *~~0084/3.45~~* SECTION 1034. 48.977 (2) (f) of the statutes is amended to read:

5 48.977 (2) (f) That the agency primarily responsible for providing services to
6 the child under a court order has made reasonable efforts to make it possible for the
7 child to return to his or her home, while assuring that the child's health and safety
8 are the paramount concerns, but that reunification of the child with the child's
9 parent or parents is unlikely or contrary to the best interests of the child and that
10 further reunification efforts are unlikely to be made or are contrary to the best
11 interests of the child or that the agency primarily responsible for providing services
12 to the child under a court order has made reasonable efforts to prevent the removal
13 of the child from his or her home, while assuring the child's health and safety, but that
14 continued placement of the child in the home would be contrary to the welfare of the
15 child, except that the court is not required to find that the agency has made those
16 reasonable efforts with respect to a parent of the child if any of the circumstances
17 specified in s. 48.355 (2d) (b) 1. to 5. applies to that parent. The court shall make the
18 findings specified in this paragraph on a case-by-case basis based on circumstances
19 specific to the child and shall document or reference the specific information on
20 which those findings are based in the guardianship order. A guardianship order that
21 merely references this paragraph without documenting or referencing that specific
22 information in the order or an amended guardianship order that retroactively
23 corrects an earlier guardianship order that does not comply with this paragraph is
24 not sufficient to comply with this paragraph.

25 *~~0084/3.46~~* SECTION 1035. 48.977 (3r) of the statutes is created to read:

1 48.977 (3r) SUBSIDIZED GUARDIANSHIP. Subject to s. 48.62 (5) (d), if a county
2 department or, in a county having a population of 500,000 or more, the department
3 has determined under s. 48.62 (5) (a) 2. that appointing a guardian under sub. (2) for
4 a child who does not meet the conditions specified under s. 48.62 (5) (a) 1. and
5 providing monthly subsidized guardianship payments to the guardian are in the best
6 interests of the child, the petitioner under sub. (4) (a) shall include in the petition
7 under sub. (4) (b) a statement of that determination and a request for the court to
8 include in the court's findings under sub. (4) (d) a finding confirming that
9 determination. If the court confirms that determination and appoints a guardian for
10 the child under sub. (2), the county department or department shall provide monthly
11 subsidized guardianship payments to the guardian under s. 48.62 (5).

12 *–0084/3.47* SECTION 1036. 48.977 (4) (a) 4. of the statutes is amended to read:
13 48.977 (4) (a) 4. The ~~relative person~~ with whom the child is placed or in whose
14 home placement of the child is recommended as described in sub. (2) (a), if the
15 ~~relative person~~ is nominated as the guardian of the child in the petition.

16 *–0084/3.48* SECTION 1037. 48.977 (4) (a) 6. of the statutes is amended to read:
17 48.977 (4) (a) 6. A county department under s. 46.22 or 46.23 or, if the child has
18 been placed pursuant to an order under ch. 938 or the child's placement with the
19 guardian is recommended under ch. 938, a county department under s. 46.215, 46.22,
20 or 46.23.

21 *–0084/3.49* SECTION 1038. 48.977 (4) (b) 3. of the statutes is amended to read:
22 48.977 (4) (b) 3. The date on which the child was adjudged in need of protection
23 or services under s. 48.13 (1), (2), (3), (3m), (4), (5), (8), (9), (10), (10m), (11), or (11m)
24 or 938.13 (4) and the dates ~~that~~ on which the child has been placed, or continued in
25 a placement, outside of his or her home pursuant to one or more court orders under

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1 s. 48.345, 48.357, 48.363, 48.365, 938.345, 938.357, 938.363, or 938.365 or, if the child
2 has been so adjudged, but not so placed, the date of the report under s. 48.33 (1) or
3 938.33 (1) in which placement of the child in the home of the person is recommended.

4 ***-0084/3.50*** SECTION 1039. 48.977 (4) (c) 1. g. of the statutes is amended to
5 read:

6 48.977 (4) (c) 1. g. The relative person with whom the child is placed or in whose
7 home placement of the child is recommended as described in sub. (2) (a), if the
8 relative person is nominated as the guardian of the child in the petition.

9 ***-0084/3.51*** SECTION 1040. 48.977 (4) (e) of the statutes is amended to read:

10 48.977 (4) (e) *Court report.* The For a child who has been placed, or continued
11 in a placement, outside of his or her home for 6 months or longer, the court shall order
12 the person or agency primarily responsible for providing services to the child under
13 a court order to file with the court a report containing the written summary under
14 s. 48.38 (5) (e) and as much information relating to the appointment of a guardian
15 as is reasonably ascertainable. For a child who has been placed, or continued in a
16 placement, outside of his or her home for less than 6 months, the court shall order
17 the person or agency primarily responsible for providing services to the child under
18 a court order to file with the court the report submitted under s. 48.33 (1) or 938.33
19 (1), the permanency plan prepared under s. 48.38 or 938.38, if one has been prepared,
20 and as much information relating to the appointment of a guardian as is reasonably
21 ascertainable. The agency shall file the report at least 48 hours before the date of
22 the dispositional hearing under par. (fm).

23 ***-0084/3.52*** SECTION 1041. 48.977 (4) (g) 1. of the statutes is amended to read:

24 48.977 (4) (g) 1. Whether the relative person would be a suitable guardian of
25 the child.

1 ***-0084/3.53* SECTION 1042.** 48.977 (4) (g) 2. of the statutes is amended to read:

2 48.977 (4) (g) 2. The willingness and ability of the relative person to serve as
3 the child's guardian for an extended period of time or until the child attains the age
4 of 18 years.

5 ***-0084/3.54* SECTION 1043.** 48.977 (4) (h) 1. of the statutes is amended to read:

6 48.977 (4) (h) 1. A disposition dismissing the petition if the court determines
7 that appointment of the relative person as the child's guardian is not in the best
8 interests of the child.

9 ***-0084/3.55* SECTION 1044.** 48.977 (4) (h) 2. of the statutes is amended to read:

10 48.977 (4) (h) 2. A disposition ordering that the relative person with whom the
11 child has been placed or in whose home placement of the child is recommended as
12 described in sub. (2) (a) be appointed as the child's guardian under sub. (5) (a) or
13 limited guardian under sub. (5) (b), if the court determines that such an appointment
14 is in the best interests of the child.

15 ***-1625/3.2* SECTION 1045.** 48.982 (4) (a) of the statutes is amended to read:

16 48.982 (4) (a) From the appropriations under s. 20.433 (1) (b), (h), (i), (k), (m),
17 and (q), the board shall award grants to organizations in accordance with the plan
18 developed under sub. (2) (a). In each of the first 2 fiscal years in which grants are
19 awarded, no organization may receive a grant or grants totaling more than \$30,000.

20 ***-1625/3.3* SECTION 1046.** 48.982 (6) (a) of the statutes is amended to read:

21 48.982 (6) (a) From the appropriations under s. 20.433 (1) (b), (h), (i), (k), (ma),
22 and (q), the board shall award grants to organizations in accordance with the
23 request-for-proposal procedures developed under sub. (2) (a). No organization may
24 receive a grant or grants under this subsection totaling more than \$150,000 in any
25 year.

SECTION 1047

1 *~~1625/3.4~~* **SECTION 1047.** 48.982 (7) (a) of the statutes is amended to read:

2 48.982 (7) (a) From the appropriations under s. 20.433 (1) (b), (h), (i), (k), and
3 (q), the board shall award grants to organizations in accordance with the plan
4 developed under sub. (2) (a).

5 *~~0404/4.82~~* **SECTION 1048.** 49.001 (1) of the statutes is amended to read:

6 49.001 (1) “Child care provider” means a child care provider that is licensed
7 under s. ~~48.65~~ 49.98 (1), certified under s. ~~48.651~~ 49.156, or established or contracted
8 for under s. 120.13 (14).

9 *~~1662/4.3~~* **SECTION 1049.** 49.134 (2) (a) of the statutes is amended to read:

10 49.134 (2) (a) From the allocation under s. 49.155 (1g) ~~(b)~~ (d), the department
11 shall make grants to local agencies to fund child care resource and referral services
12 provided by those local agencies. The department shall provide an allocation formula
13 to determine the amount of a grant awarded under this section.

****NOTE: This is reconciled s. 49.134 (2) (a). This SECTION has been affected by
drafts with the following LRB numbers: LRB-0404 and LRB-1662.

14 *~~0404/4.83~~* **SECTION 1050.** 49.136 (1) (b) of the statutes is amended to read:

15 49.136 (1) (b) “Child care provider” means a provider licensed under s. ~~48.65~~
16 49.98, certified under s. ~~48.651~~ 49.156, or established or contracted for under s.
17 120.13 (14).

18 *~~0404/4.84~~* **SECTION 1051.** 49.136 (1) (e) of the statutes is amended to read:

19 49.136 (1) (e) “Day care program” means a program established and provided
20 by a school board under s. 120.13 (14) or purchased by a school board from a provider
21 licensed under s. ~~48.65~~ 49.98, which combines care for a child who resides with a
22 student parent who is a parent of that child with parenting education and experience
23 for that student parent.

1 ***-1662/4.4* SECTION 1052.** 49.136 (2) (a) of the statutes is amended to read:

2 49.136 (2) (a) From the allocation under s. 49.155 (1g) (b) (d), the department
3 shall may award grants for the start-up or expansion of child care services.

 ***NOTE: This is reconciled s. 49.136 (2) (a). This SECTION has been affected by
drafts with the following LRB numbers: LRB-0404 and LRB-1662.

4 ***-1662/4.5* SECTION 1053.** 49.136 (2) (b) of the statutes is amended to read:

5 49.136 (2) (b) ~~The~~ If the department awards grants under this section, the
6 department shall attempt to award the grants ~~under this section~~ to head start
7 agencies designated under 42 USC 9836, employers that provide or wish to provide
8 child care services for their employees, family day care centers, group day care
9 centers and day care programs for the children of student parents, organizations that
10 provide child care for sick children, and child care providers that employ participants
11 or former participants in a Wisconsin works Works employment position under s.
12 49.147 (3) to (5).

13 ***-0404/4.85* SECTION 1054.** 49.137 (1) (a) of the statutes is amended to read:

14 49.137 (1) (a) “Child care provider” means a provider licensed under s. 48.65
15 49.98, certified under s. 48.651 49.156, or established or contracted for under s.
16 120.13 (14).

17 ***-1662/4.6* SECTION 1055.** 49.137 (2) (a) of the statutes is amended to read:

18 49.137 (2) (a) From the allocation under s. 49.155 (1g) (b) (d), the department
19 may award grants to child care providers that meet the quality of care standards
20 established under s. 49.155 (1d) (b) to improve the retention of skilled and
21 experienced child care staff. In awarding grants under this subsection, the
22 department shall consider the applying child care provider’s total enrollment of

1 children and average enrollment of children who receive or are eligible for publicly
2 funded care from the child care provider.

****NOTE: This is reconciled s. 49.137 (2) (a). This SECTION has been affected by
drafts with the following LRB numbers: LRB-0404 and LRB-1662.

3 ***-1662/4.7* SECTION 1056.** 49.137 (3) (a) of the statutes is amended to read:

4 49.137 (3) (a) From the allocation under s. 49.155 (1g) (b) (d), the department
5 may award grants to child care providers for assistance in meeting the quality of care
6 standards established under s. 49.155 (1d) (b).

****NOTE: This is reconciled s. 49.137 (3) (a). This SECTION has been affected by
drafts with the following LRB numbers: LRB-0404 and LRB-1662.

7 ***-1662/4.8* SECTION 1057.** 49.137 (4) (intro.) of the statutes is amended to
8 read:

9 49.137 (4) TRAINING AND TECHNICAL ASSISTANCE CONTRACTS. (intro.) From the
10 allocation under s. 49.155 (1g) ~~(b)~~ (d), the department may contract with one or more
11 agencies for the provision of training and technical assistance to improve the quality
12 of child care provided in this state. The training and technical assistance activities
13 contracted for under this subsection may include any of the following activities:

****NOTE: This is reconciled s. 49.137 (4) (intro.). This SECTION has been affected
by drafts with the following LRB numbers: LRB-0404 and LRB-1662.

14 ***-1662/4.9* SECTION 1058.** 49.137 (4m) of the statutes is amended to read:

15 49.137 (4m) LOCAL PASS-THROUGH GRANT PROGRAM. The From the allocation
16 under s. 49.155 (1g) (d), the department shall award grants to local governments and
17 tribal governing bodies for programs to improve the quality of child care. The
18 department shall promulgate rules to administer the grant program, including rules
19 that specify the eligibility criteria and procedures for awarding the grants.

20 ***-1662/4.10* SECTION 1059.** 49.1375 of the statutes is repealed.

21 ***-0335/2.1* SECTION 1060.** 49.147 (3) (d) of the statutes is created to read:

1 49.147 (3) (d) *Trial jobs plus pilot project.* The department shall design and,
2 from January 1, 2006, to June 30, 2007, conduct a pilot project for a trial jobs plus
3 program that includes the following features:

4 1. The project is limited to 1,000 participants and is conducted in at least one
5 of the geographical areas established by the department under s. 49.143 (6) that is
6 in Milwaukee County and in at least 2 of those geographical areas that are not in
7 Milwaukee County.

8 2. Except as otherwise provided in this paragraph, all provisions of the statutes
9 that apply to the trial job program or a trial job under this subsection apply to the
10 pilot project or a trial job plus under this paragraph, including eligibility
11 requirements.

12 3. An employer that employs a participant under this paragraph and receives
13 a wage subsidy shall agree to make a good faith effort to retain the participant as a
14 permanent unsubsidized employee after the wage subsidy ends if the participant
15 successfully completes participation in the trial job plus. An employer shall also
16 agree that, if the employer does not retain a participant as a permanent unsubsidized
17 employee, the employer will serve as an employment reference for the participant or
18 provide to the Wisconsin Works agency or intermediary under subd. 4. a written
19 performance evaluation of the participant, including recommendations for
20 improvements.

21 4. The Wisconsin Works agency may contract with an intermediary that acts
22 as any of the following:

23 a. A placement agency.

24 b. An employer of record of a participant under this paragraph.

1 c. A provider of supportive services, including coaching, mentoring, counseling,
2 or job placement services.

3 5. Subject to subd. 3., the Wisconsin Works agency or intermediary under subd.
4 4. pays an employer that employs a participant under this paragraph a monthly
5 wage subsidy that does not exceed the federal minimum wage for no more than 30
6 hours of work per week. In addition, the Wisconsin Works agency or intermediary
7 reimburses the employer for up to 100 percent of all of the following costs that are
8 attributable to employment of the participant:

9 a. Federal social security taxes.

10 b. State and federal unemployment contributions or taxes, if any.

11 c. Worker's compensation insurance premiums, if any.

12 6. Training activities prescribed by the employer under par. (am) consistent
13 with training provided to other employees at the worksite are considered work for
14 purposes of calculating the wage subsidy.

15 7. Participation by an individual in a trial job plus is limited to 6 months with
16 a possible extension of up to 3 months.

17 8. Notwithstanding the ending date for the project, for any participant who is
18 accepted into the program before June 30, 2007, payments under subd. 5. shall be
19 made until the participant completes his or her participation in the trial job plus.

20 *-1526/3.2* SECTION 1061. 49.147 (6) (c) of the statutes is amended to read:

21 49.147 (6) (c) *Distribution and administration.* From the ~~appropriations~~
22 appropriation under s. 20.445 (3) (~~dz~~), (~~jL~~), and (~~md~~), the department shall distribute
23 funds for job access loans to a Wisconsin Works agency, which shall administer the
24 loans in accordance with rules promulgated by the department.

1 *~~0334/2.1~~* **SECTION 1062.** 49.148 (1m) (title) of the statutes is amended to
2 read:

3 49.148 (**1m**) (title) CUSTODIAL PARENT OF INFANT; UNMARRIED, PREGNANT WOMAN.

4 *~~0334/2.2~~* **SECTION 1063.** 49.148 (1m) (a) of the statutes is amended to read:

5 49.148 (**1m**) (a) A custodial parent of a child who is 12 weeks old or less and
6 who meets the eligibility requirements under s. 49.145 (2) and (3) may receive a
7 monthly grant of \$673 unless another adult member of the custodial parent's
8 Wisconsin works group is participating in, or is eligible to participate in, a Wisconsin
9 works employment position or is employed in unsubsidized employment, as defined
10 in s. 49.147 (1) (c). A Wisconsin works agency may not require a participant under
11 this subsection to participate in any employment positions. Receipt of a grant under
12 this subsection does not constitute participation in a Wisconsin works employment
13 position for purposes of the time limits under s. 49.145 (2) (n) or 49.147 (3) (c) or (d)
14 7., (4) (b) or (5) (b) 2. if the child is born to the participant not more than 10 months
15 after the date that the participant was first determined to be eligible for assistance
16 under s. 49.19 or for a Wisconsin works employment position.

17 *~~0334/2.3~~* **SECTION 1064.** 49.148 (1m) (a) of the statutes, as affected by 2005
18 Wisconsin Act (this act), is renumbered 49.148 (1m) (a) (intro.) and amended to
19 read:

20 49.148 (**1m**) (a) (intro.) ~~A~~ Any of the following may receive a monthly grant
21 of \$673:

22 1. An individual who meets the eligibility requirements under s. 49.145 (2) and
23 (3) and who is a custodial parent of a child who is 12 26 weeks old or less and who
24 meets the eligibility requirements under s. 49.145 (2) and (3) may receive a monthly
25 grant of \$673, unless another adult member of the custodial parent's Wisconsin

works Works group is participating in, or is eligible to participate in, a Wisconsin works Works employment position or is employed in unsubsidized employment, as defined in s. 49.147 (1) (c).

(am) A Wisconsin works Works agency may not require a participant under this subsection par. (a) 1. who is a custodial parent of a child who is 12 weeks old or less or a participant under par. (a) 2. to participate in any Wisconsin Works employment positions. Receipt of a grant under this subsection does not constitute participation in a Wisconsin works employment position for purposes of the time limits under s. 49.145 (2) (n) or 49.147 (3) (c) or (d) 7., (4) (b), or (5) (b) 2. if the child is born to the participant not more than 10 months after the date that the participant was first determined to be eligible for assistance under s. 49.19 or for a Wisconsin works employment position.

***NOTE: This is reconciled s. 49.148 (1m) (a). This SECTION has been affected by drafts with the following LRB numbers: LRB-0333, LRB-0334, and LRB-0335.

-0334/2.4 SECTION 1065. 49.148 (1m) (a) 2. of the statutes is created to read:

49.148 (1m) (a) 2. An unmarried woman who would be eligible under s. 49.145 except that she is not a custodial parent of a dependent child and who is in the 3rd trimester of a pregnancy that is medically verified and shown by medical documentation to be at risk and that renders the woman unable to participate in the workforce.

-0334/2.5 SECTION 1066. 49.148 (1m) (b) (intro.) of the statutes is created to read:

49.148 (1m) (b) (intro.) For purposes of the time limits under s. 49.145 (2) (n) or 49.147 (3) (c) or (d) 7., (4) (b), or (5) (b) 2., all of the following apply:

***NOTE: This is reconciled s. 49.148 (1m) (b) (intro.). This SECTION has been affected by drafts with the following LRB numbers: LRB-0334 and LRB-0335.

1 *~~0334/2.6~~* SECTION 1067. 49.148 (1m) (b) of the statutes is amended to read:

2 49.148 (1m) (b) Receipt of a grant under this subsection constitutes
3 participation in a Wisconsin works employment position for purposes of the time
4 limits under ss. 49.145 (2) (n) and 49.147 (3) (c) or (d) 7., (4) (b) or (5) (b) 2. if the child
5 is born to the participant more than 10 months after the date that the participant
6 was first determined to be eligible for assistance under s. 49.19 or for a Wisconsin
7 works employment position unless the child was conceived as a result of a sexual
8 assault in violation of s. 940.225 (1), (2) or (3) in which the mother did not indicate
9 a freely given agreement to have sexual intercourse or of incest in violation of s.
10 944.06 or 948.06 and that incest or sexual assault has been reported to a physician
11 and to law enforcement authorities.

12 *~~0334/2.7~~* SECTION 1068. 49.148 (1m) (b) of the statutes, as affected by 2005
13 Wisconsin Act (this act), is renumbered 49.148 (1m) (b) 1. and amended to read:

14 49.148 (1m) (b) 1. Receipt of a grant under this subsection by a participant
15 under par. (a) 1. constitutes participation in a Wisconsin works Works employment
16 position ~~for purposes of the time limits under ss. 49.145 (2) (n) and 49.147 (3) (c) or~~
17 ~~(d) 7., (4) (b), or (5) (b) 2. if the child is born to the participant more than 10 months~~
18 ~~after the date that the participant was first determined to be eligible for assistance~~
19 ~~under s. 49.19 or for a Wisconsin works employment position unless the child was~~
20 conceived as a result of a sexual assault in violation of s. 940.225 (1), (2), or (3) in
21 which the mother did not indicate a freely given agreement to have sexual
22 intercourse or of incest in violation of s. 944.06 or 948.06 and that incest or sexual
23 assault has been reported to a physician and to law enforcement authorities.

****NOTE: This is reconciled s. 49.148 (1m) (b). This SECTION has been affected by
drafts with the following LRB numbers: LRB-0333, LRB-0334, and LRB-0335.

SECTION 1069

1 ***-0334/2.8* SECTION 1069.** 49.148 (1m) (b) 2. of the statutes is created to read:

2 49.148 (1m) (b) 2. Receipt of a grant under this subsection by a participant
3 under par. (a) 2. does not constitute participation in a Wisconsin Works employment
4 position.

5 ***-0404/4.86* SECTION 1070.** 49.155 (1) (ag) of the statutes is amended to read:

6 49.155 (1) (ag) “Child care provider” means a provider licensed under s. 48.65
7 49.98, certified under s. ~~48.651~~ 49.156, or established or contracted for under s.
8 120.13 (14).

9 ***-0404/4.87* SECTION 1071.** 49.155 (1) (am) of the statutes is amended to read:

10 49.155 (1) (am) “Level I certified family day care provider” means a day care
11 provider certified under s. ~~48.651~~ 49.156 (1) (a).

12 ***-0404/4.88* SECTION 1072.** 49.155 (1) (b) of the statutes is amended to read:

13 49.155 (1) (b) “Level II certified family day care provider” means a day care
14 provider certified under s. ~~48.651~~ 49.156 (1) (b).

15 ***-0404/4.89* SECTION 1073.** 49.155 (1d) (a) of the statutes is amended to read:

16 49.155 (1d) (a) The department shall promulgate rules establishing standards
17 for the certification of child care providers under s. ~~48.651~~ 49.156. In establishing
18 the requirements for certification under this paragraph of a child care provider who
19 provides care and supervision for children under one year of age, the department
20 shall include a requirement that all providers and all employees and volunteers of
21 a provider who provide care and supervision for children receive, before the date on
22 which the provider is certified or the employment or volunteer work commences,
23 whichever is applicable, training in the most current medically accepted methods of
24 preventing sudden infant death syndrome. In establishing the requirements for

1 certification as a Level II certified family day care provider, the department may not
2 include any other requirement for training for providers.

3 *~~0404/4.90~~* SECTION 1074. 49.155 (1d) (b) of the statutes is amended to read:

4 49.155 (1d) (b) The department shall promulgate rules to establish quality of
5 care standards for child care providers that are higher than the quality of care
6 standards required for licensure under s. 48.65 49.98 or for certification under s.
7 ~~48.651~~ 49.156. The standards established by rules promulgated under this
8 paragraph shall consist of the standards provided for the accreditation of day care
9 centers by the ~~national association for the education of young children~~ National
10 Association for the Education of Young Children or any other comparable standards
11 that the department may establish, including standards regarding the turnover of
12 child care provider staff and the training and benefits provided for child care
13 provider staff.

14 *~~1662/4.11~~* SECTION 1075. 49.155 (1g) (b) of the statutes is amended to read:

15 49.155 (1g) (b) From the ~~appropriation~~ appropriations under s. 20.445 (3) ~~(cm)~~,
16 ~~(jm)~~, ~~(kx)~~, and ~~(mc)~~, distribute \$7,593,500 in ~~fiscal year 2003-04~~ and \$7,597,300
17 \$7,476,400 in each fiscal year 2004-05 ~~for administering the child care program~~
18 ~~under this section, for grants under s. 49.134 (2) for child day care resource and~~
19 ~~referral services, for grants under s. 49.137 (4m), for a child care scholarship and~~
20 ~~bonus program, and for administration of the department's office of child care, for the~~
21 department's share of the costs for the Child Care Information Center operated by
22 the division for libraries, technology, and community learning in the department of
23 public instruction, and for the licensing and regulation of day care facilities under
24 s. 49.98.

****NOTE: This is reconciled s. 49.155 (1g) (b). This SECTION has been affected by drafts with the following LRB numbers: LRB-0404 and LRB-1662.

1 ***-0404/4.91* SECTION 1076.** 49.155 (1g) (c) of the statutes is repealed.

2 ***-1662/4.12* SECTION 1077.** 49.155 (1g) (d) of the statutes is created to read:

3 49.155 (1g) (d) From the appropriation under s. 20.445 (3) (md), distribute
4 \$11,503,500 in fiscal year 2005–06 and \$10,003,500 in fiscal year 2006–07 for grants
5 under s. 49.134 (2) for child day care resource and referral services, for contracts
6 under s. 49.137 (4) for training and technical assistance, for grants under s. 49.137
7 (4m), for a child care scholarship and bonus program, and for a quality ratings
8 system under s. 49.982 (5).

9 ***-0084/3.56* SECTION 1078.** 49.155 (1m) (a) 1m. b. of the statutes is amended
10 to read:

11 49.155 (1m) (a) 1m. b. The individual has not yet attained the age of 18 years
12 and the individual resides with his or her custodial parent or with a kinship care
13 relative under s. 48.57 (3m) or with a long-term kinship care relative under s. 48.57
14 (3n) or is in a foster home or treatment foster home licensed under s. 48.62, a
15 subsidized guardianship home under s. 48.62 (5), a group home, or an independent
16 living arrangement supervised by an adult.

17 ***-0335/2.2* SECTION 1079.** 49.155 (1m) (a) 3. of the statutes is amended to
18 read:

19 49.155 (1m) (a) 3. Work in a Wisconsin ~~works~~ Works employment position,
20 including participation in job search, orientation, and training activities under s.
21 49.147 (2) (a) and in education or training activities under s. 49.147 (3) (am) or (d),
22 (4) (am), or (5) (bm).

1 *–0084/3.57* SECTION 1080. 49.155 (1m) (bm) of the statutes is amended to
2 read:

3 49.155 (1m) (bm) If the individual is providing care for a child under a court
4 order and is receiving payments on behalf of the child under s. 48.57 (3m) or (3n) or
5 48.62 (5), or if the individual is a foster parent or treatment foster parent, and child
6 care is needed for that child, the individual meets the requirement under s. 49.145
7 (2) (c).

8 *–0084/3.58* SECTION 1081. 49.155 (1m) (c) 1g. of the statutes is amended to
9 read:

10 49.155 (1m) (c) 1g. If the individual is a foster parent of the child or a subsidized
11 guardian or interim caretaker of the child under s. 48.62 (5), the child's biological or
12 adoptive family has a gross income that is at or below 200% of the poverty line. In
13 calculating the gross income of the child's biological or adoptive family, the Wisconsin
14 works agency shall include income described under s. 49.145 (3) (b) 1. and 3.

15 *–0404/4.92* SECTION 1082. 49.155 (3) (b) 5. of the statutes is amended to read:

16 49.155 (3) (b) 5. Certify child care providers under s. ~~48.651~~ 49.156.

17 *–0404/4.93* SECTION 1083. 49.155 (4) of the statutes is amended to read:

18 49.155 (4) CHOICE OF PROVIDER. An eligible individual shall choose whether the
19 child care will be provided by a day care center licensed under s. ~~48.65~~ 49.98, a Level
20 I certified family day care provider, a Level II certified family day care provider, or
21 a day care program provided or contracted for by a school board under s. 120.13 (14).

22 *–1522/2.1* SECTION 1084. 49.155 (6) (e) of the statutes is created to read:

23 49.155 (6) (e) The department may establish a tiered reimbursement system
24 under which the department reimburses a child care provider for child care services
25 provided under this section at a rate that is based on the child care provider's quality

1 rating under the rating system established under s. 48.982 (5). Notwithstanding
2 pars. (a), (b), and (c), the rate at which a child care provider is reimbursed under a
3 system established under this paragraph may exceed the maximum reimbursement
4 rate established under par. (a), (b), or (c).

5 ***-0334/2.9* SECTION 1085.** 49.159 (4) of the statutes is amended to read:

6 49.159 (4) PREGNANT WOMEN. A pregnant woman whose pregnancy is medically
7 verified, who would be eligible under s. 49.145 except that she is not a custodial
8 parent of a dependent child, and who does not satisfy the requirements under s.
9 49.148 (1m) (a) 2. is eligible for employment training and job search assistance
10 services provided by the Wisconsin works Works agency.

11 ***-1662/4.13* SECTION 1086.** 49.175 (1) (intro.) of the statutes is amended to
12 read:

13 49.175 (1) ALLOCATION OF FUNDS. (intro.) Except as provided in sub. (2), within
14 the limits of the appropriations under s. 20.445 (3) (a), (cm), (dz), (jL), (jm), (k), (kx),
15 (L), (mc), (md), ~~(nL)~~, and (me), (s), and (t), the department shall allocate the following
16 amounts for the following purposes:

****NOTE: This is reconciled s. 49.175 (1) (intro.). This SECTION has been affected
by drafts with the following LRB numbers: LRB-0604, -1526, and -1662.

17 ***-1662/4.15* SECTION 1087.** 49.175 (1) (a) of the statutes is amended to read:

18 49.175 (1) (a) *Wisconsin Works benefits.* For Wisconsin Works benefits provided
19 ~~under contracts having a term that begins on January 1, 2002, and ends on~~
20 ~~December 31, 2003, \$33,219,700 in fiscal year 2003-04; and for Wisconsin Works~~
21 ~~benefits provided under contracts having a term that begins on January 1, 2004, and~~
22 ~~ends on December 31, 2005, \$33,219,700, \$59,526,100 in fiscal year 2003-04~~
23 2005-06 and \$66,439,400 \$52,612,800 in fiscal year 2004-05 2006-07.

1 *~~1662/4.16~~* SECTION 1088. 49.175 (1) (b) of the statutes is amended to read:

2 49.175 (1) (b) *Wisconsin Works administration.* For administration of
3 Wisconsin Works performed under contracts under s. 49.143 having a term that
4 begins on January 1, 2002, and ends on December 31, 2003, \$10,582,800 in fiscal
5 year 2003–04; and for administration of Wisconsin Works performed under contracts
6 under s. 49.143 having a term that begins on January 1, 2004, and ends on
7 December 31, 2005, \$10,582,900, \$20,107,500 in fiscal year 2003–04 2005–06 and
8 \$21,165,700 \$19,049,200 in fiscal year 2004–05 2006–07.

9 *~~1662/4.17~~* SECTION 1089. 49.175 (1) (c) of the statutes is amended to read:

10 49.175 (1) (c) *Performance bonuses.* For the payment of performance bonuses
11 to Wisconsin Works agencies that have entered into contracts under s. 49.143 having
12 a term that begins on January 1, 2002 2004, and that ends on December 31, 2003
13 2005, \$0 in fiscal year 2003–04 2005–06.

14 *~~1662/4.18~~* SECTION 1090. 49.175 (1) (f) of the statutes is amended to read:

15 49.175 (1) (f) *Wisconsin Works ancillary services.* For program services under
16 Wisconsin Works, ~~including transportation assistance for individuals who are~~
17 ~~eligible to receive temporary assistance for needy families under 42 USC 601 et seq.,~~
18 ~~provided under contracts under s. 49.143 having a term that begins on January 1,~~
19 ~~2002, and ends on December 31, 2003, \$27,803,300 in fiscal year 2003–04; and for~~
20 ~~program services under Wisconsin Works, including transportation assistance for~~
21 ~~individuals who are eligible to receive temporary assistance for needy families under~~
22 ~~42 USC 601 et seq., education and training, mentoring, and other services provided~~
23 ~~under contracts under s. 49.143 having a term that begins on January 1, 2004, and~~
24 ~~ends on December 31, 2005, \$27,803,300, 49,879,200 in fiscal year 2003–04 2005–06~~
25 ~~and \$55,606,600~~ \$44,151,800 in fiscal year 2004–05 2006–07.

1 *-1662/4.19* SECTION 1091. 49.175 (1) (g) of the statutes is amended to read:

2 49.175 (1) (g) *State administration of public assistance programs.* For state
3 administration of public assistance programs, \$18,484,600 \$17,004,500 in each
4 fiscal year.

5 *-1662/4.20* SECTION 1092. 49.175 (1) (m) of the statutes is amended to read:

6 49.175 (1) (m) *Children first.* For services under the work experience program
7 for noncustodial parents under s. 49.36, \$1,140,000 \$1,361,000 in each fiscal year.

8 *-1526/3.3* SECTION 1093. 49.175 (1) (n) of the statutes is repealed.

9 *-1662/4.21* SECTION 1094. 49.175 (1) (p) of the statutes is amended to read:

10 49.175 (1) (p) *Direct child care services.* For direct child care services under s.
11 49.155, \$298,640,600 \$307,282,800 in fiscal year 2003-04 2005-06 and
12 \$308,040,600 \$300,509,900 in fiscal year 2004-05 2006-07.

13 *-1662/4.22* SECTION 1095. 49.175 (1) (q) of the statutes is amended to read:

14 49.175 (1) (q) *Indirect-child Child care services state administration.* For
15 indirect child care services state administrative costs under s. ~~49.155 (1g),~~
16 \$9,559,400 in fiscal year 2003-04 and \$9,626,700 s. 49.155 (1g) (b), \$7,476,400 in
17 each fiscal year 2004-05.

18 *-1662/4.23* SECTION 1096. 49.175 (1) (qm) of the statutes is amended to read:

19 49.175 (1) (qm) *~~Local pass-through grant program~~ Quality care for quality*
20 *~~kids.~~* For the local pass-through grant program under s. 49.137 (4m), \$2,475,100
21 child care quality improvement activities specified in s. 49.155 (1g) (d), \$11,503,500
22 in fiscal year 2003-04 2005-06 and \$2,478,500 \$10,003,500 in fiscal year 2004-05
23 2006-07.

24 *-1662/4.24* SECTION 1097. 49.175 (1) (r) of the statutes is amended to read:

1 49.175 (1) (r) *Early childhood excellence initiative*. For grants under s. 49.1375,
2 \$2,500,000 ~~\$2,250,000~~ in each fiscal year 2005–06.

3 *–1662/4.25* **SECTION 1098**. 49.175 (1) (r) of the statutes, as affected by 2005
4 Wisconsin Act (this act), is repealed.

5 *–1662/4.26* **SECTION 1099**. 49.175 (1) (v) of the statutes is created to read:
6 49.175 (1) (v) *Transportation assistance grants*. For transportation assistance
7 for individuals who are eligible to receive temporary assistance for needy families
8 under 42 USC 601 et seq., \$900,000 in each fiscal year.

9 *–1662/4.27* **SECTION 1100**. 49.175 (1) (ze) 1. of the statutes is amended to
10 read:

11 49.175 (1) (ze) 1. ‘Kinship care and long–term kinship care assistance.’ For the
12 kinship care and long–term kinship care programs under s. 48.57 (3m), (3n), and
13 (3p), ~~\$24,122,200~~ \$23,748,400 in each fiscal year.

 ****NOTE: This is reconciled s. 49.175 (1) (ze) 1. This SECTION has been affected by
 drafts with the following LRB numbers: LRB–0277 and –1662.

14 *–1662/4.28* **SECTION 1101**. 49.175 (1) (ze) 2. of the statutes is amended to
15 read:

16 49.175 (1) (ze) 2. ‘Children of recipients of supplemental security income.’ For
17 payments made under s. 49.775 for the support of the dependent children of
18 recipients of supplemental security income, ~~\$26,397,200~~ \$29,973,600 in fiscal year
19 2003–04 2005–06 and ~~\$29,175,100~~ \$28,893,300 in fiscal year 2004–05 2006–07.

 ****NOTE: This is reconciled s. 49.175 (1) (ze) 2. This SECTION has been affected by
 drafts with the following LRB numbers: LRB–0277 and –1662.

20 *–1635/3.11* **SECTION 1102**. 49.175 (1) (ze) 7. of the statutes is repealed.

21 *–1635/3.12* **SECTION 1103**. 49.175 (1) (ze) 8. of the statutes is repealed.

1 *-1662/4.29* SECTION 1104. 49.175 (1) (ze) 10m. of the statutes is amended to
2 read:

3 49.175 (1) (ze) 10m. 'Safety services.' For services provided in counties having
4 a population of 500,000 or more to ensure the safety of children who the department
5 of health and family services determines may remain at home if appropriate services
6 are provided, \$7,045,500 \$7,323,600 in each fiscal year.

 ***NOTE: This is reconciled s. 49.175 (1) (ze) 10m. This SECTION has been affected
by drafts with the following LRB numbers: LRB-0277 and -1662.

7 *-1662/4.30* SECTION 1105. 49.175 (1) (ze) 12. of the statutes is amended to
8 read:

9 49.175 (1) (ze) 12. 'Milwaukee and statewide child welfare administration.' For
10 the costs associated with the Milwaukee child welfare information system and the
11 Wisconsin statewide automated child welfare information system, \$1,695,700
12 \$1,310,800 in fiscal year 2003-04 2005-06 and \$1,741,300 \$1,317,700 in fiscal year
13 2004-05 2006-07.

 ***NOTE: This is reconciled s. 49.175 (1) (ze) 12. This SECTION has been affected
by drafts with the following LRB numbers: LRB-0277 and -1662.

14 *-1662/4.31* SECTION 1106. 49.175 (1) (zh) of the statutes is amended to read:
15 49.175 (1) (zh) ~~*Taxable years 1999 and thereafter*~~ *Earned income tax credit*
16 *supplement.* For the transfer of moneys from the appropriation account under s.
17 20.445 (3) (md) to the appropriation account under s. 20.835 (2) (kf) for the earned
18 income tax credit, ~~\$57,892,000 in fiscal year 2003-04 and \$59,532,000~~ \$59,532,000
19 in each fiscal year 2004-05.

20 *-1534/3.3* SECTION 1107. 49.175 (1) (zj) of the statutes is repealed.

21 *-1534/3.4* SECTION 1108. 49.175 (1) (zL) of the statutes is renumbered 115.28
22 (35) and amended to read:

1 115.28 (35) *English for Southeast Asian children.* ~~To Annually pay to the school~~
2 board of the Wausau school district for English ~~training~~ instruction for 3-year-old,
3 4-year-old and 5-year-old Southeast Asian children, ~~\$100,000 in each fiscal year~~
4 the amount appropriated under s. 20.255 (2) (ce).

5 *~~1625/3.5~~* SECTION 1109. 49.175 (1) (zn) of the statutes is repealed.

6 *~~0490/P2.1~~* SECTION 1110. 49.195 (3m) (b) of the statutes is amended to read:

7 49.195 (3m) (b) The clerk of circuit court shall accept, file, and enter ~~the~~ each
8 warrant under par. (a) and each satisfaction, release, or withdrawal under par. (d),
9 (e), (g), or (h) in the judgment and lien docket without prepayment of any fee, but the
10 clerk of circuit court shall submit a statement of the proper fee semiannually to the
11 department covering the periods from January 1 to June 30 and July 1 to December
12 31 unless a different billing period is agreed to between the clerk of circuit court and
13 the department. The department shall pay the fees, but shall add the fees provided
14 by s. 814.61 (5) for entering the warrants to the amount of the warrant and shall
15 collect the fees from the person named in the warrant when satisfaction or release
16 is presented for entry.

17 *~~0490/P2.2~~* SECTION 1111. 49.195 (3m) (h) of the statutes is amended to read:

18 49.195 (3m) (h) If the department arranges a payment schedule with the
19 debtor and the debtor complies with the payment schedule, the department ~~shall~~
20 may issue a notice of withdrawal of the warrant to the clerk of circuit court for the
21 county in which the warrant is filed. ~~The~~ If the department issues a notice of
22 withdrawal of the warrant, the clerk shall void the warrant and the resulting liens.

23 *~~0490/P2.3~~* SECTION 1112. 49.195 (3n) (p) of the statutes is amended to read:

1 49.195 (3n) (p) A levy is effective from the date on which the levy is first served
2 on the 3rd party until the liability out of which the levy arose is satisfied, or until the
3 levy is released ~~or until one year from the date of service~~, whichever occurs first.

4 *~~0490/P2.4~~* SECTION 1113. 49.195 (3n) (t) of the statutes is amended to read:

5 49.195 (3n) (t) Any 3rd party is entitled to a levy fee of \$5 for each levy in any
6 case ~~where in which~~ property is secured through the levy. ~~The~~ If the 3rd party retains
7 the fee, the 3rd party shall increase the levy amount by the amount of the fee and
8 deduct the fee from the proceeds of the levy.

9 *~~0265/3.8~~* SECTION 1114. 49.197 (1m) of the statutes is amended to read:

10 49.197 (1m) FRAUD INVESTIGATION. From the appropriations under s. 20.445 (3)
11 (dz), (kx), (L), (md), (n), and (nL), the department shall establish a program to
12 investigate suspected fraudulent activity on the part of recipients of aid to families
13 with dependent children under s. 49.19, on the part of participants in the Wisconsin
14 works Works program under ss. 49.141 to 49.161, and, if the department of health
15 and family services contracts with the department under sub. (5), on the part of
16 recipients of medical assistance under subch. IV ~~and~~, food stamp benefits under the
17 food stamp program under 7 USC 2011 to 2036, supplemental security income
18 payments under s. 49.77, payments for the support of children of supplemental
19 security income recipients under s. 49.775, and health care benefits under the
20 Badger Care health care program under s. 49.665. The department's activities under
21 this subsection may include, but are not limited to, comparisons of information
22 provided to the department by an applicant and information provided by the
23 applicant to other federal, state, and local agencies, development of an advisory
24 welfare investigation prosecution standard, and provision of funds to county
25 departments under ss. 46.215, 46.22, and 46.23 and to Wisconsin works Works

1 agencies to encourage activities to detect fraud. The department shall cooperate
2 with district attorneys regarding fraud prosecutions.

3 ***-0265/3.9* SECTION 1115.** 49.197 (3) of the statutes is amended to read:

4 49.197 (3) STATE ERROR REDUCTION ACTIVITIES. The department shall conduct
5 activities to reduce payment errors in Wisconsin ~~works~~ Works under ss. 49.141 to
6 49.161 and, if the department of health and family services contracts with the
7 department under sub. (5), the ~~medical assistance~~ Medical Assistance program
8 under subch. IV and, the food stamp program under 7 USC 2011 to 2036, the
9 supplemental security income payments program under s. 49.77, the program
10 providing payments for the support of children of supplemental security income
11 recipients under s. 49.775, and the Badger Care health care program under s. 49.665.

12 ***-0265/3.10* SECTION 1116.** 49.197 (4) of the statutes is amended to read:

13 49.197 (4) COUNTY AND TRIBAL ERROR REDUCTION. If the department of health and
14 family services contracts with the department under sub. (5), the department shall
15 provide funds from the appropriation under s. 20.445 (3) (kx) to counties and
16 governing bodies of federally recognized American Indian tribes administering
17 ~~medical assistance~~ Medical Assistance under subch. IV ~~or~~, the food stamp program
18 under 7 USC 2011 to 2036, the supplemental security income payments program
19 under s. 49.77, the program providing payments for the support of children of
20 supplemental security income recipients under s. 49.775, and the Badger Care
21 health care program under s. 49.665 to offset administrative costs of reducing
22 payment errors in those programs.

23 ***-0265/3.11* SECTION 1117.** 49.197 (5) of the statutes is amended to read:

24 49.197 (5) CONTRACTS FOR MEDICAL ASSISTANCE AND, FOOD STAMPS, SUPPLEMENTAL
25 SECURITY INCOME, AND CARETAKER SUPPLEMENT. ~~The~~ Notwithstanding s. 49.845 (1) and

(2), the department of health and family services may contract with the department to investigate suspected fraudulent activity on the part of recipients of medical assistance under subch. IV or recipients of, food stamp benefits under the food stamp program under 7 USC 2011 to 2036, supplemental security income payments under s. 49.77, payments for the support of children of supplemental security income recipients under s. 49.775, and health care benefits under the Badger Care health care program under s. 49.665 and to conduct activities to reduce payment errors in the Medical Assistance program under subch. IV, the food stamp program under 7 USC 2011 to 2036, the supplemental security income payments program under s. 49.77, the program providing payments for the support of children of supplemental security income recipients under s. 49.775, and the Badger Care health care program under s. 49.665, as provided in this section.

***-1525/3.1* SECTION 1118.** 49.22 (1) of the statutes is amended to read:

49.22 (1) There is created a child and spousal support and establishment of paternity and medical liability support liability program in the department. The purpose of this program is to establish paternity when possible, to establish or modify support obligations, to enforce support obligations owed by parents to their children and maintenance obligations owed to spouses or former spouses with whom the children reside in this state or owed in other states if the support order was issued in this state or owed in other states if the parent, spouse, or former spouse resides in this state, to locate persons who are alleged to have taken their child in violation of s. 948.31 or of similar laws in other states, and to locate and value property of any person having a support duty. To accomplish the objectives of this program and of other assistance programs under this chapter, county and state agencies will cooperate with one another to implement a child and spousal support and paternity

1 establishment and medical support liability program in accordance with state and
2 federal laws, regulations, and rules and to assure proper distribution of benefits of
3 all assistance programs authorized under this chapter.

4 ***-0474/3.1* SECTION 1119.** 49.36 (2) of the statutes is amended to read:

5 49.36 (2) The department may contract with any county, tribal governing body,
6 or Wisconsin ~~works~~ Works agency to administer a work experience and job training
7 program for parents who are not custodial parents and who fail to pay child support
8 or to meet their children's needs for support as a result of unemployment or
9 underemployment. The program may provide the kinds of work experience and job
10 training services available from the program under s. 49.193, 1997 stats., or s. 49.147
11 (3) or (4). The program may also include job search and job orientation activities.
12 The department shall fund the program from the ~~appropriation~~ appropriations
13 under s. 20.445 (3) (dz) and (k).

14 ***-0265/3.12* SECTION 1120.** 49.45 (2) (a) 3m. of the statutes is repealed.

15 ***-1649/7*SECTION 1121.** 49.45 (2) (a) 17. of the statutes is amended to read:

16 49.45 (2) (a) 17. Notify the governor, the joint committee on legislative
17 organization, the joint committee on finance, and appropriate standing committees,
18 as determined by the presiding officer of each house, if the appropriation accounts
19 under s. 20.435 (4) (b) ~~and, (gp), (r), and (rg)~~ are insufficient to provide the state share
20 of medical assistance.

21 ***-1649/7*SECTION 1122.** 49.45 (2) (a) 17. of the statutes, as affected by 2005
22 Wisconsin Act (this act), is amended to read:

23 49.45 (2) (a) 17. Notify the governor, the joint committee on legislative
24 organization, the joint committee on finance and appropriate standing committees,
25 as determined by the presiding officer of each house, if the appropriation accounts

1 under s. 20.435 (4) (b), (gp), and (r), ~~and (rg)~~ are insufficient to provide the state share
2 of medical assistance.

3 ***-1089/5.2* SECTION 1123.** 49.45 (2) (a) 26. of the statutes is created to read:

4 49.45 (2) (a) 26. a. Impose on each health maintenance organization, as defined
5 in s. 609.01 (2), with a contract under sub. (2) (b) 2. to provide health care to recipients
6 of Medical Assistance or Badger Care, for the privilege of doing business in this state,
7 an annual assessment of 6 percent of the health maintenance organization's gross
8 revenues for the current calendar year. The assessment shall be deposited into the
9 Medical Assistance trust fund. Each health maintenance organization subject to
10 this subdivision shall file with the office of the commissioner of insurance annually,
11 by March 1, a statement of the gross revenues for the health maintenance
12 organization for the immediately preceding calendar year. If a health maintenance
13 organization fails to file such a report by March 1, the department may withhold
14 payment under this section until the report is filed. The department shall determine
15 the amount of each health maintenance organization's assessment, based on the
16 statement that the health maintenance organization files with the office of the
17 commissioner of insurance. Each health maintenance organization shall pay
18 one-fourth of the total assessment quarterly. For 2007 and every year thereafter, on
19 March 31 payment is due based on estimated gross revenues for the health
20 maintenance organization for the period January 1 to March 31 of that year, and the
21 department may adjust the payment amount to ensure that payments made for the
22 previous calendar year equaled an assessment of 6 percent of the health
23 maintenance organization's actual gross revenues for the immediately preceding
24 calendar year; on June 30 payment is due based on actual gross revenues for the
25 health maintenance organization for the period January 1 to March 31 of that year;

1 on September 30 payment is due based on actual gross revenues for the health
2 maintenance organization for the period April 1 to June 30 of that year; and on
3 December 31 payment is due based on actual gross revenues for the health
4 maintenance organization for the period July 1 to September 30 of that year.

5 b. Sections 77.59 (1) to (5), (6) (intro.), (a), and (c), and (7) to (10), 77.60 (1) to
6 (7), (9), and (10), 77.61 (9) and (12) to (14), and 77.62, as they apply to the taxes under
7 subch. III of ch. 77, apply to the assessment under this subdivision, except that the
8 amount of any assessment collected under subd. 26. a. shall be deposited into the
9 Medical Assistance trust fund.

10 c. The department shall levy, enforce, and collect the assessment under this
11 subdivision and shall develop and distribute forms necessary for levying and
12 collection.

13 d. The department shall establish procedures and requirements for levying the
14 assessment under this subdivision.

15 e. An affected health maintenance organization may contest an action by the
16 department of health and family services under this subdivision by submitting a
17 written request for a hearing to the division of hearings and appeals in the
18 department of administration within 30 days after the date of the action by the
19 department of health and family services.

20 f. Any order or determination made by the division of hearing and appeals in
21 the department of administration under a hearing as specified in subd. 26. e. is
22 subject to judicial review as prescribed under ch. 227.

23 ***-0124/1.1* SECTION 1124.** 49.45 (3) (i) of the statutes is repealed.

24 ***-1649/6.35* SECTION 1125.** 49.45 (5m) (am) of the statutes is amended to read:

1 49.45 (5m) (am) Notwithstanding sub. (3) (e), from the appropriation accounts
2 under s. 20.435 (4) (b), (gp), (o), and (w) (rm), the department shall distribute not
3 more than \$2,256,000 in each fiscal year, to provide supplemental funds to rural
4 hospitals that, as determined by the department, have high utilization of inpatient
5 services by patients whose care is provided from governmental sources, and to
6 provide supplemental funds to critical access hospitals, except that the department
7 may not distribute funds to a rural hospital or to a critical access hospital to the
8 extent that the distribution would exceed any limitation under 42 USC 1396b (i) (3).

9 *-1649/7*SECTION 1126. 49.45 (6m) (ag) (intro.) of the statutes is amended to
10 read:

11 49.45 (6m) (ag) (intro.) Payment for care provided in a facility under this
12 subsection made under s. 20.435 (4) (b), (gp), (pa), (o), (r), (rg), (w), or (wm) shall,
13 except as provided in pars. (bg), (bm), and (br), be determined according to a
14 prospective payment system updated annually by the department. The payment
15 system shall implement standards that are necessary and proper for providing
16 patient care and that meet quality and safety standards established under subch. II
17 of ch. 50 and ch. 150. The payment system shall reflect all of the following:

18 *-1649/7*SECTION 1127. 49.45 (6m) (ag) (intro.) of the statutes, as affected by
19 2005 Wisconsin Act (this act), is amended to read:

20 49.45 (6m) (ag) (intro.) Payment for care provided in a facility under this
21 subsection made under s. 20.435 (4) (b), (gp), (pa), (o), (r), ~~(rg)~~, (w), or (wm) shall,
22 except as provided in pars. (bg), (bm), and (br), be determined according to a
23 prospective payment system updated annually by the department. The payment
24 system shall implement standards that are necessary and proper for providing

1 patient care and that meet quality and safety standards established under subch. II
2 of ch. 50 and ch. 150. The payment system shall reflect all of the following:

3 ***-1302/3.1* SECTION 1128.** 49.45 (6m) (ag) 3m. of the statutes is amended to
4 read:

5 49.45 (6m) (ag) 3m. For each state fiscal year, rates that shall be set by the
6 department based on information from cost reports for costs specified under par. (am)
7 1. ~~bm.~~, 4., 5m., and 6. for the most recently completed fiscal year of the facility.

8 ***-1302/3.2* SECTION 1129.** 49.45 (6m) (ag) 3r. of the statutes is amended to
9 read:

10 49.45 (6m) (ag) 3r. Flat-rate payment for all costs specified under par. (am) 1.
11 a. and 2.

12 ***-1302/3.3* SECTION 1130.** 49.45 (6m) (ar) 1. a. of the statutes is amended to
13 read:

14 49.45 (6m) (ar) 1. a. The department shall establish standards for payment of
15 allowable direct care costs under par. (am) 1. ~~bm., for facilities that do not primarily~~
16 ~~serve the developmentally disabled, that take into account direct care costs for a~~
17 ~~sample of all of those facilities in this state and separate standards for payment of~~
18 ~~allowable direct care costs, for facilities that primarily serve the developmentally~~
19 ~~disabled, that take into account direct care costs for a sample of all of those facilities~~
20 ~~in this state.~~ The standards shall be adjusted by the department for regional labor
21 cost variations. For facilities in Douglas, Pierce, and St. Croix counties, the
22 department shall perform the adjustment by use of the wage index that is used by
23 the federal department of health and human services for hospital reimbursement
24 under 42 USC 1395 to 1395ggg.

25 ***-1302/3.4* SECTION 1131.** 49.45 (6m) (ar) 1. b. of the statutes is repealed.

1 ***-1302/3.5* SECTION 1132.** 49.45 (6m) (ar) 1. c. of the statutes is amended to
2 read:

3 49.45 (6m) (ar) 1. c. If a facility has an approved program for provision of service
4 to mentally retarded residents, residents dependent upon ventilators, or residents
5 requiring supplemental skilled care due to complex medical conditions, a
6 supplement to the direct care component of the facility rate under subd. 1. b. may be
7 made to that facility according to a method developed by the department.

8 ***-0746/4.1* SECTION 1133.** 49.45 (6t) of the statutes, as affected by 2003
9 Wisconsin Act 318, is repealed.

10 ***-1649/7*SECTION 1134.** 49.45 (6v) (b) of the statutes is amended to read:
11 49.45 (6v) (b) The department shall, each year, submit to the joint committee
12 on finance a report for the previous fiscal year, ~~except for the 1997–98 fiscal year,~~ that
13 provides information on the utilization of beds by recipients of medical assistance in
14 facilities and a discussion and detailed projection of the likely balances,
15 expenditures, encumbrances, and carry over of currently appropriated amounts in
16 the appropriation accounts under s. 20.435 (4) (b), (gp), ~~and (o), (r), and (rg).~~

17 ***-1649/7*SECTION 1135.** 49.45 (6v) (b) of the statutes, as affected by 2005
18 Wisconsin Act (this act), is amended to read:

19 49.45 (6v) (b) The department shall, each year, submit to the joint committee
20 on finance a report for the previous fiscal year, except for the 1997–98 fiscal year, that
21 provides information on the utilization of beds by recipients of medical assistance in
22 facilities and a discussion and detailed projection of the likely balances,
23 expenditures, encumbrances and carry over of currently appropriated amounts in
24 the appropriation accounts under s. 20.435 (4) (b), (gp), (o), and (r), ~~and (rg).~~

25 ***-1649/7*SECTION 1136.** 49.45 (6x) (a) of the statutes is amended to read:

1 49.45 (6x) (a) Notwithstanding sub. (3) (e), from the appropriation accounts
2 under s. 20.435 (4) (b), ~~(gp)~~, (o), and (w) (rm), the department shall distribute not
3 more than \$4,748,000 \$6,248,000 in each fiscal year, to provide funds to an essential
4 access city hospital, except that the department may not allocate funds to an
5 essential access city hospital to the extent that the allocation would exceed any
6 limitation under 42 USC 1396b (i) (3).

7 *-1649/7*SECTION 1137. 49.45 (6y) (a) of the statutes is amended to read:

8 49.45 (6y) (a) Notwithstanding sub. (3) (e), from the appropriation accounts
9 under s. 20.435 (4) (b), (gp), (o), (r), (rg), and (w), the department shall distribute
10 funding in each fiscal year to provide supplemental payment to hospitals that enter
11 into a contract under s. 49.02 (2) to provide health care services funded by a relief
12 block grant, as determined by the department, for hospital services that are not in
13 excess of the hospitals' customary charges for the services, as limited under 42 USC
14 1396b (i) (3). If no relief block grant is awarded under this chapter or if the allocation
15 of funds to such hospitals would exceed any limitation under 42 USC 1396b (i) (3),
16 the department may distribute funds to hospitals that have not entered into a
17 contract under s. 49.02 (2).

18 *-1649/7*SECTION 1138. 49.45 (6y) (a) of the statutes, as affected by 2005
19 Wisconsin Act (this act), is amended to read:

20 49.45 (6y) (a) Notwithstanding sub. (3) (e), from the appropriation accounts
21 under s. 20.435 (4) (b), (gp), (o), (r), ~~(rg)~~, and (w), the department shall distribute
22 funding in each fiscal year to provide supplemental payment to hospitals that enter
23 into a contract under s. 49.02 (2) to provide health care services funded by a relief
24 block grant, as determined by the department, for hospital services that are not in
25 excess of the hospitals' customary charges for the services, as limited under 42 USC

1 1396b (i) (3). If no relief block grant is awarded under this chapter or if the allocation
2 of funds to such hospitals would exceed any limitation under 42 USC 1396b (i) (3),
3 the department may distribute funds to hospitals that have not entered into a
4 contract under s. 49.02 (2).

5 ***-1649/7*SECTION 1139.** 49.45 (6y) (am) of the statutes is amended to read:

6 49.45 (6y) (am) Notwithstanding sub. (3) (e), from the appropriation accounts
7 under s. 20.435 (4) (b), (h), (gp), (o), (r), (rg), and (w), the department shall distribute
8 funding in each fiscal year to provide supplemental payments to hospitals that enter
9 into contracts under s. 49.02 (2) with a county having a population of 500,000 or more
10 to provide health care services funded by a relief block grant, as determined by the
11 department, for hospital services that are not in excess of the hospitals' customary
12 charges for the services, as limited under 42 USC 1396b (i) (3).

13 ***-1649/7*SECTION 1140.** 49.45 (6y) (am) of the statutes, as affected by 2005
14 Wisconsin Act (this act), is amended to read:

15 49.45 (6y) (am) Notwithstanding sub. (3) (e), from the appropriation accounts
16 under s. 20.435 (4) (b), (h), (gp), (o), (r), ~~(rg)~~, and (w), the department shall distribute
17 funding in each fiscal year to provide supplemental payments to hospitals that enter
18 into contracts under s. 49.02 (2) with a county having a population of 500,000 or more
19 to provide health care services funded by a relief block grant, as determined by the
20 department, for hospital services that are not in excess of the hospitals' customary
21 charges for the services, as limited under 42 USC 1396b (i) (3).

22 ***-1649/7*SECTION 1141.** 49.45 (6z) (a) (intro.) of the statutes is amended to
23 read:

24 49.45 (6z) (a) (intro.) Notwithstanding sub. (3) (e), from the appropriation
25 accounts under s. 20.435 (4) (b), (gp), (o), (r), (rg), and (w), the department shall

1 distribute funding in each fiscal year to supplement payment for services to hospitals
2 that enter into a contract under s. 49.02 (2) to provide health care services funded
3 by a relief block grant under this chapter, if the department determines that the
4 hospitals serve a disproportionate number of low-income patients with special
5 needs. If no medical relief block grant under this chapter is awarded or if the
6 allocation of funds to such hospitals would exceed any limitation under 42 USC
7 1396b (i) (3), the department may distribute funds to hospitals that have not entered
8 into a contract under s. 49.02 (2). The department may not distribute funds under
9 this subsection to the extent that the distribution would do any of the following:

10 *~~1649/7~~**SECTION 1142.** 49.45 (6z) (a) (intro.) of the statutes, as affected by
11 2005 Wisconsin Act (this act), is amended to read:

12 49.45 (6z) (a) (intro.) Notwithstanding sub. (3) (e), from the appropriation
13 accounts under s. 20.435 (4) (b), (gp), (o), (r), (~~rg~~), and (w), the department shall
14 distribute funding in each fiscal year to supplement payment for services to hospitals
15 that enter into a contract under s. 49.02 (2) to provide health care services funded
16 by a relief block grant under this chapter, if the department determines that the
17 hospitals serve a disproportionate number of low-income patients with special
18 needs. If no medical relief block grant under this chapter is awarded or if the
19 allocation of funds to such hospitals would exceed any limitation under 42 USC
20 1396b (i) (3), the department may distribute funds to hospitals that have not entered
21 into a contract under s. 49.02 (2). The department may not distribute funds under
22 this subsection to the extent that the distribution would do any of the following:

23 *~~1649/7~~**SECTION 1143.** 49.45 (8) (b) of the statutes is amended to read:

24 49.45 (8) (b) Reimbursement under s. 20.435 (4) (b), (gp), (o), (~~r~~), (~~rg~~), and (w)
25 for home health services provided by a certified home health agency or independent

1 nurse shall be made at the home health agency's or nurse's usual and customary fee
2 per patient care visit, subject to a maximum allowable fee per patient care visit that
3 is established under par. (c).

4 ***-1649/7*SECTION 1144.** 49.45 (8) (b) of the statutes, as affected by 2005
5 Wisconsin Act (this act), is amended to read:

6 49.45 (8) (b) Reimbursement under s. 20.435 (4) (b), (gp), (o), (r), ~~(rg)~~, and (w)
7 for home health services provided by a certified home health agency or independent
8 nurse shall be made at the home health agency's or nurse's usual and customary fee
9 per patient care visit, subject to a maximum allowable fee per patient care visit that
10 is established under par. (c).

11 ***-1649/7*SECTION 1145.** 49.45 (24m) (intro.) of the statutes is amended to
12 read:

13 49.45 (24m) HOME HEALTH CARE AND PERSONAL CARE PILOT PROGRAM. (intro.)
14 From the appropriation accounts under s. 20.435 (4) (b), (gp), (o), (r), (rg), and (w),
15 in order to test the feasibility of instituting a system of reimbursement for providers
16 of home health care and personal care services for medical assistance recipients that
17 is based on competitive bidding, the department shall:

18 ***-1649/7*SECTION 1146.** 49.45 (24m) (intro.) of the statutes, as affected by
19 2005 Wisconsin Act (this act), is amended to read:

20 49.45 (24m) HOME HEALTH CARE AND PERSONAL CARE PILOT PROGRAM. (intro.)
21 From the appropriation accounts under s. 20.435 (4) (b), (gp), (o), (r), ~~(rg)~~, and (w),
22 in order to test the feasibility of instituting a system of reimbursement for providers
23 of home health care and personal care services for medical assistance recipients that
24 is based on competitive bidding, the department shall:

25 ***-0747/1.2*SECTION 1147.** 49.45 (39) (b) 1. of the statutes is amended to read:

1 49.45 (39) (b) 1. 'Payment for school medical services.' If a school district or a
2 cooperative educational service agency elects to provide school medical services and
3 meets all requirements under par. (c), the department shall reimburse the school
4 district or the cooperative educational service agency for 60% of the federal share of
5 allowable charges for the school medical services that it provides and, as specified
6 in subd. 2., for allowable administrative costs. If the Wisconsin Center for the Blind
7 and Visually Impaired or the Wisconsin Educational Services Program for the Deaf
8 and Hard of Hearing elects to provide school medical services and meets all
9 requirements under par. (c), the department shall reimburse the department of
10 public instruction for 60% of the federal share of allowable charges for the school
11 medical services that the Wisconsin Center for the Blind and Visually Impaired or
12 the Wisconsin Educational Services Program for the Deaf and Hard of Hearing
13 provides and, as specified in subd. 2., for allowable administrative costs. A school
14 district, cooperative educational service agency, the Wisconsin Center for the Blind
15 and Visually Impaired or the Wisconsin Educational Services Program for the Deaf
16 and Hard of Hearing may submit, and the department shall allow, claims for common
17 carrier transportation costs as a school medical service unless the department
18 receives notice from the federal health care financing administration that, under a
19 change in federal policy, the claims are not allowed. If the department receives the
20 notice, a school district, cooperative educational service agency, the Wisconsin
21 Center for the Blind and Visually Impaired, or the Wisconsin Educational Services
22 Program for the Deaf and Hard of Hearing may submit, and the department shall
23 allow, unreimbursed claims for common carrier transportation costs incurred before
24 the date of the change in federal policy. The department shall promulgate rules
25 establishing a methodology for making reimbursements under this paragraph.

SECTION 1147

1 Except as provided in subd. ~~1m.~~, all All other expenses for the school medical services
2 provided by a school district or a cooperative educational service agency shall be paid
3 for by the school district or the cooperative educational service agency with funds
4 received from state or local taxes. The school district, the Wisconsin Center for the
5 Blind and Visually Impaired, the Wisconsin Educational Services Program for the
6 Deaf and Hard of Hearing, or the cooperative educational service agency shall
7 comply with all requirements of the federal department of health and human
8 services for receiving federal financial participation.

9 *~~-0747/1.3~~* SECTION 1148. 49.45 (39) (b) 1m. of the statutes is repealed.

10 *~~-0747/1.4~~* SECTION 1149. 49.45 (39) (b) 2. of the statutes is amended to read:

11 49.45 (39) (b) 2. 'Payment for school medical services administrative costs.' The
12 department shall reimburse a school district or a cooperative educational service
13 agency specified under ~~subds.~~ subd. 1. ~~and 1m.~~ and shall reimburse the department
14 of public instruction on behalf of the Wisconsin Center for the Blind and Visually
15 Impaired or the Wisconsin Educational Services Program for the Deaf and Hard of
16 Hearing for 90% of the federal share of allowable administrative costs, using time
17 studies, beginning in fiscal year 1999–2000. A school district or a cooperative
18 educational service agency may submit, and the department of health and family
19 services shall allow, claims for administrative costs incurred during the period that
20 is up to 24 months before the date of the claim, if allowable under federal law.

21 *~~-0084/3.59~~* SECTION 1150. 49.46 (1) (a) 5. of the statutes is amended to read:

22 49.46 (1) (a) 5. Any child in an adoption assistance, foster care, kinship care,
23 long-term kinship care ~~or~~, treatment foster care, or subsidized guardianship
24 placement under ch. 48 or 938, as determined by the department.

25 *~~-0264/2.1~~* SECTION 1151. 49.46 (1) (a) 5m. of the statutes is created to read:

1 49.46 (1) (a) 5m. Any person who is at least 18 years of age but under 20 years
2 of age and who, on his or her 18th birthday, was in a foster care or treatment foster
3 care placement under ch. 48 or 938, as determined by the department.

4 ***-0264/2.2* SECTION 1152.** 49.46 (1) (a) 5m. of the statutes, as created by 2005
5 Wisconsin Act (this act), is amended to read:

6 49.46 (1) (a) 5m. Any person who is at least 18 years of age but under 20 21
7 years of age and who, on his or her 18th birthday, was in a foster care or treatment
8 foster care placement under ch. 48 or 938, as determined by the department.

9 ***-0311/3.8* SECTION 1153.** 49.46 (1) (a) 14. of the statutes is amended to read:

10 49.46 (1) (a) 14. Any person who would meet the financial and other eligibility
11 requirements for home or community-based services under s. 46.27 (11) ~~or~~, 46.277,
12 or 46.2785 but for the fact that the person engages in substantial gainful activity
13 under 42 USC 1382c (a) (3), if a waiver under s. 49.45 (38) is in effect or federal law
14 permits federal financial participation for medical assistance coverage of the person
15 and if funding is available for the person under s. 46.27 (11) ~~or~~, 46.277, or 46.2785.

16 ***-0270/1.1* SECTION 1154.** 49.46 (1) (a) 15. of the statutes is amended to read:

17 49.46 (1) (a) 15. Any individual who is infected with tuberculosis and meets the
18 income and resource eligibility requirements for the federal supplemental security
19 Supplemental Security Income program under 42 USC 1381 to 1383d.

20 ***-0260/2.1* SECTION 1155.** 49.46 (2) (b) 3. of the statutes is renumbered 49.46

21 (2) (b) 3. a. and amended to read:

22 49.46 (2) (b) 3. a. Transportation by emergency medical vehicle to obtain
23 emergency medical care, ~~transportation by specialized medical vehicle to obtain~~
24 ~~medical care including the unloaded travel of the specialized medical vehicle~~
25 ~~necessary to provide that transportation or, if authorized in advance by the county~~

1 department under s. 46.215 or 46.22, transportation by common carrier or private
2 motor vehicle and, if transportation by other means is contraindicated, to obtain
3 nonemergency medical care.

4 ***-0260/2.2* SECTION 1156.** 49.46 (2) (b) 3. b. of the statutes is created to read:

5 49.46 (2) (b) 3. b. To obtain nonemergency medical services, except as provided
6 in subd. 3. a., appropriate transportation that is provided through an entity with
7 which the department has contracted to manage transportation services for the
8 Medical Assistance program.

9 ***-0311/3.9* SECTION 1157.** 49.46 (2) (b) 8. of the statutes is amended to read:

10 49.46 (2) (b) 8. Home or community-based services, if provided under s. 46.27
11 (11), 46.275, 46.277 ~~or~~, 46.278, or 46.2785, under the family care benefit if a waiver
12 is in effect under s. 46.281 (1) (c), or under a waiver requested under 2001 Wisconsin
13 Act 16, section 9123 (16rs), or 2003 Wisconsin Act 33, section 9124 (8c).

14 ***-0311/3.10* SECTION 1158.** 49.47 (4) (as) 1. of the statutes is amended to read:

15 49.47 (4) (as) 1. The person would meet the financial and other eligibility
16 requirements for home or community-based services under s. 46.27 (11) ~~or~~, 46.277,
17 or 46.2785 or under the family care benefit if a waiver is in effect under s. 46.281 (1)
18 (c) but for the fact that the person engages in substantial gainful activity under 42
19 USC 1382c (a) (3).

20 ***-0311/3.11* SECTION 1159.** 49.47 (4) (as) 3. of the statutes is amended to read:

21 49.47 (4) (as) 3. Funding is available for the person under s. 46.27 (11) ~~or~~,
22 46.277, or 46.2785 or under the family care benefit if a waiver is in effect under s.
23 46.281 (1) (c).

24 ***-1649/7* SECTION 1160.** 49.472 (6) (a) of the statutes is amended to read: